

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

January 25, 2006

In the Matter of
Earth Environmental Corporation

Docket No. 2005-244
File No. ACO-NE-04-C003-SUP

RECOMMENDED FINAL DECISION

Earth Environmental Corporation filed a Notice of Claim for an adjudicatory hearing seeking review of demand for payment of a suspended civil administrative penalty. On January 9, 2006 I issued an Order to File a More Definite Statement requiring the petitioner to file by January 18, 2006 a clear and concise statement of the facts which form the basis of the appeal, a statement of the relief requested, and a copy of the appealed document. In addition, the Order required payment of the \$100 appeals filing fee, and included notice that if the information was not filed or payment was not made, the appeal would be dismissed pursuant to 310 CMR 1.01(6)(b).

Nothing has been filed in response to the Order, and the appeals filing fee has not been paid. I therefore recommend that this appeal be dismissed for failure to prosecute pursuant to 310 CMR 1.01(5)(a)15.f.vi, 1.01(6)(b) and 1.01(10).

For special accommodations for this event, contact Deneen M. Simpson at this address or call (617) 556-1003.
This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>



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NOTICE

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Commissioner Robert W. Golledge, Jr., January 26, 2006.